

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**LONGHORN HD LLC**

v.

**NETSCOUT SYSTEMS, INC.**§  
§  
§  
§**CIVIL ACTION NO. 2:20-CV-00349-JRG-RSP**

**MINUTES FOR JURY TRIAL DAY NO. 2  
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP  
April 19, 2022**

**OPEN: 08:28 AM****ADJOURN: 06:05 PM**

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANT: See attached

LAW CLERKS: Jim Lomeo  
Cody Carter  
Nathan Fuller

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

<b>TIME</b>	<b>MINUTES</b>
08:28 AM	Court opened.
08:28 AM	Exhibits used prior day read into the record.
08:30 AM	Jury entered the courtroom.
08:30 AM	Ms. Park reintroduced the video deposition of Mr. Christopher Day.
08:44 AM	Video deposition of Mr. Christopher Day concluded.
08:44 AM	Ms. Park introduced the video deposition of Dr. Scott Dawson.
09:26 AM	Video deposition of Dr. Scott Dawson concluded.
09:26 AM	Ms. Park introduced the video deposition of Mr. Thomas Bienkowski
09:50 AM	Video deposition of Mr. Thomas Bienkowski concluded.
09:50 AM	Ms. Park introduced the video deposition of Mr. Tony Piazza.
09:56 AM	Video deposition of Mr. Tony Piazza concluded.
09:56 AM	Jury recessed for break.
09:57 AM	Recess.
10:11 AM	Court reconvened.
10:11 AM	Jury returned to courtroom.
10:12 AM	Witness sworn. Direct examination of Dr. Omid Kia by Mr. Rubino.
11:21 AM	<b>Courtroom sealed.</b>

TIME	MINUTES
11:22 AM	Direct examination of Dr. Omid Kia by Mr. Rubino, continued.
11:41 AM	<b>Courtroom unsealed.</b>
11:42 AM	Direct examination of Dr. Omid Kia by Mr. Rubino, continued.
11:54 AM	Jury recessed for lunch.
11:54 AM	Recess.
01:16 PM	Court reconvened.
01:16 PM	Jury returned to courtroom.
01:17 PM	Direct examination of Dr. Omid Kia by Mr. Rubino, continued.
01:28 PM	Cross examination of Dr. Omid Kia by Mr. Buresh.
02:05 PM	<b>Courtroom sealed.</b>
02:06 PM	Cross examination of Dr. Omid Kia by Mr. Buresh, continued.
02:08 PM	<b>Courtroom unsealed.</b>
02:08 PM	Cross examination of Dr. Omid Kia by Mr. Buresh, continued.
02:33 PM	Bench conference.
02:34 PM	Bench conference concluded.
02:34 PM	Cross examination of Dr. Omid Kia by Mr. Buresh, continued.
02:44 PM	Redirect examination of Dr. Omid Kia by Mr. Rubino.
02:57 PM	Witness excused.
02:58 PM	Jury recessed for break.
02:58 PM	Recess.
03:17 PM	Court reconvened.
03:18 PM	Jury returned to courtroom.
03:18 PM	Witness sworn. Direct examination of Mr. Jim Bergman by Mr. Mercadante.
04:18 PM	Bench conference.
04:19 PM	Bench conference concluded.
04:19 PM	Cross examination of Mr. Jim Bergman by Ms. Marriott.
05:07 PM	Redirect examination of Mr. Jim Bergman by Mr. Mercadante.
05:12 PM	Recross examination of Mr. Jim Bergman by Ms. Marriott.
05:13 PM	Witness excused.
05:13 PM	Plaintiff rested its case-in-chief.
05:14 PM	Jury recessed for break.
05:14 PM	Recess.
05:24 PM	Court reconvened.
05:25 PM	Jury returned to courtroom.
05:25 PM	Witness sworn. Direct examination of Dr. Scott Dawson by Mr. Buresh.
06:01 PM	Jury recessed for the day until 8:30 AM tomorrow.
06:01 PM	Mr. Fabricant raised issue re: MIL.
06:03 PM	Response provided by Mr. Buresh.
06:03 PM	Court will CARRY ruling until tomorrow morning.
06:04 PM	Court reminded parties to continue with their meet and confer efforts re: disputes and to advise Court staff re: same. If the parties have unresolved issues, the Court will be available in chambers at 7:30 AM tomorrow morning to meet with counsel to address same. Court directed parties to submit by 2:00 PM tomorrow by email to Court staff an updated joint proposed final jury instructions and verdict form (in Word format).

TIME	MINUTES
06:05 PM	Court adjourned.